

4-32-1. Short title.

This chapter shall be known as and may be cited as the "Utah Meat and Poultry Products Inspection and Licensing Act."

Enacted by Chapter 2, 1979 General Session

4-32-2. Purpose declaration.

(1) It is the purpose of this chapter to provide a meat and poultry inspection program in the state at least equal to the programs imposed under the Federal Meat Inspection Act, the federal Poultry Products Inspection Act, and the Humane Slaughter Act.

(2) The commissioner shall administer and enforce this chapter to accomplish this purpose.

Amended by Chapter 242, 2010 General Session

4-32-2.1. Adoption of federal provisions.

(1) The following federal laws, regulations, and standards are adopted by reference:

- (a) 9 C.F.R. Part 300 through Part 500;
- (b) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
- (c) the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; and
- (d) the Humane Slaughter Act, 7 U.S.C. Sec. 1901 et seq.

(2) Changes to the federal laws, regulations, and standards referenced in Subsection (1) are considered incorporated as those changes are made.

Enacted by Chapter 242, 2010 General Session

4-32-2.2. Emergency rules.

The department may make emergency rules concerning the meat and poultry inspection program only in accordance with Section 63G-3-304.

Enacted by Chapter 242, 2010 General Session

4-32-3. Definitions.

As used in this chapter:

(1) "Adulterated" means any meat or poultry product that:

(a) bears or contains any poisonous or deleterious substance that may render it injurious to health, but, if the substance is not an added substance, the meat or poultry product is not considered adulterated under this subsection if the quantity of the substance in or on the meat or poultry product does not ordinarily render it injurious to health;

(b) bears or contains, by reason of the administration of any substance to the animal or otherwise, any added poisonous or added deleterious substance that in the judgment of the commissioner makes the meat or poultry product unfit for human food;

(c) contains, in whole or in part, a raw agricultural commodity and that

commodity bears or contains a pesticide chemical that is unsafe within the meaning of 21 U.S.C. Sec. 346a;

(d) bears or contains any food additive that is unsafe within the meaning of 21 U.S.C. Sec. 348;

(e) bears or contains any color additive that is unsafe within the meaning of 21 U.S.C. Sec. 379e; provided, that a meat or poultry product that is not otherwise considered adulterated under Subsection (1)(c) or (d) of this section is considered adulterated if use of the pesticide chemical, food additive, or color additive is prohibited in official establishments by federal law, regulation, or standard;

(f) consists, in whole or in part, of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(g) has been prepared, packaged, or held under unsanitary conditions if the meat or poultry product may have become contaminated with filth, or if it may have been rendered injurious to health;

(h) is in whole or in part the product of an animal that died other than by slaughter;

(i) is contained in a container that is composed, in whole or in part, of any poisonous or deleterious substance that may render the meat or poultry product injurious to health;

(j) has been intentionally subjected to radiation, unless the use of the radiation conforms with a regulation or exemption in effect pursuant to 21 U.S.C. Sec. 348;

(k) has a valuable constituent in whole or in part omitted, abstracted, or substituted; or if damage or inferiority is concealed in any manner; or if any substance has been added, mixed, or packed with the meat or poultry product to increase its bulk or weight, or reduce its quality or strength, or to make it appear better or of greater value; or

(l) is margarine containing animal fat and any of the raw material used in the margarine consists in whole or in part of any filthy, putrid, or decomposed substance.

(2) "Animal" means a domesticated or captive mammalian or avian species.

(3) "Animal food manufacturer" means any person engaged in the business of preparing animal food derived from animal carcasses or parts or products of the carcasses.

(4) "Ante mortem inspection" means an inspection of a live animal immediately before slaughter.

(5) "Broker" means any person engaged in the business of buying and selling meat or poultry products other than for the person's own account.

(6) "Capable of use as human food" means any animal carcass, or part or product of a carcass, unless it is denatured or otherwise identified as required by rules of the department to deter its use as human food.

(7) "Commissioner" includes a person authorized by the commissioner to carry out this chapter's provisions.

(8) "Container" or "package" means any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

(9) "Custom exempt processing" means processing meat or wild game as a service for the person who owns the meat or wild game and uses the meat and meat

food products for the person's own consumption, including consumption by immediate family members and non-paying guests.

(10) "Custom exempt slaughter":

(a) means slaughtering an animal as a service for the person who owns the animal and uses the meat and meat products for the person's own consumption, including consumption by immediate family members and non-paying guests; and

(b) includes farm custom slaughter.

(11) "Director of meat inspection" means a licensed graduate veterinarian whose duties and responsibilities are specified by the commissioner.

(12) "Diseased animal":

(a) means an animal that:

(i) is diagnosed with a disease not known to be cured; or

(ii) has exhibited signs or symptoms of a disease that is not known to be cured;

and

(b) does not include an otherwise healthy animal that suffers only from injuries such as fractures, cuts, or bruises.

(13) "Farm custom slaughter" means custom exempt slaughtering of an animal for an owner without inspection.

(14) "Farm custom mobile unit" means a portable slaughter vehicle or trailer that is used by a farm custom slaughter licensee to slaughter animals.

(15) "Farm custom slaughter license" means a license issued by the department to allow farm custom slaughter.

(16) "Farm custom slaughter tag" means a tag that specifies the animal's identification and certifies its ownership, which is issued by the department through a brand inspector to the owner of the animal before it is slaughtered.

(17) "Federal acts" means:

(a) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;

(b) the Federal Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; and

(c) the Humane Slaughter Act, 7 U.S.C. 1901 et seq.

(18) "Federal Food, Drug and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040) (21 U.S.C. 301 et seq.), and any amendments to it.

(19) "Immediate container" means any consumer package, or any other container in which meat or poultry products not consumer packaged, are packed.

(20) "Inspector" means a licensed veterinarian or competent lay person working under the supervision of a licensed graduate veterinarian.

(21) "Label" means a display of printed or graphic matter upon any meat or poultry product or the immediate container, not including package liners, of any such product.

(22) "Labeling" means all labels and other printed or graphic matter:

(a) upon any meat or poultry product or any of its containers or wrappers; or

(b) accompanying a meat or poultry product.

(23) "Licensee" means a person who holds a valid farm custom slaughter license.

(24) "Meat" means the edible muscle and other edible parts of an animal, including edible:

- (a) skeletal muscle;
- (b) organs;
- (c) muscle found in the tongue, diaphragm, heart, or esophagus; and
- (d) fat, bone, skin, sinew, nerve, or blood vessel that normally accompanies meat and is not ordinarily removed in processing.

(25) "Meat establishment" means a plant or fixed premises used to:

- (a) slaughter animals for human consumption; or
- (b) process meat or poultry products for human consumption.

(26) "Meat product" means any product capable of use as human food that is made wholly or in part from any meat or other part of the carcass of any non-avian animal.

(27) "Misbranded" means any meat or poultry product that:

- (a) bears a label that is false or misleading in any particular;
 - (b) is offered for sale under the name of another food;
 - (c) is an imitation of another food, unless the label bears, in type of uniform size and prominence, the word "imitation" followed by the name of the food imitated;
 - (d) if its container is so made, formed, or filled as to be misleading;
 - (e) does not bear a label showing:
 - (i) the name and place of business of the manufacturer, packer, or distributor;
- and

- (ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count; provided, that under this Subsection (27)(e), exemptions as to meat and poultry products not in containers may be established by rules of the department and that under this Subsection (27)(e)(ii), reasonable variations may be permitted, and exemptions for small packages may be established for meat or poultry products by rule of the department;

- (f) does not bear any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

- (g) is a food for which a definition and standard of identity or composition has been prescribed by rules of the department under Section 4-32-7 if the food does not conform to the definition and standard and the label does not bear the name of the food and any other information that is required by the rule;

- (h) is a food for which a standard of fill has been prescribed by rule of the department for the container and the actual fill of the container falls below that prescribed unless its label bears, in a manner and form as the rule specifies, a statement that it falls below the standard;

- (i) is a food for which no standard or definition of identity has been prescribed under Subsection (27)(g) unless its label bears:

- (i) the common or usual name of the food, if there be any; and
 - (ii) if it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the department, be designated as spices, flavorings, and colorings

without naming each; provided, that to the extent that compliance with the requirements of this Subsection (27)(i)(ii) is impracticable, or results in deception or unfair competition, exemptions shall be established by rule;

(j) is a food that purports to be or is represented to be for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties as the department, after consultation with the Secretary of Agriculture of the United States, prescribes by rules as necessary to inform purchasers as to its value for special dietary uses;

(k) bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this subsection are impracticable, exemptions shall be prescribed by rules of the department; or

(l) does not bear directly thereon and on its containers, as the department may prescribe by rule, the official inspection legend and establishment number of the official establishment where the product was prepared, and, unrestricted by any of the foregoing, other information as the department may require by rule to assure that the meat or poultry product will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain it in a wholesome condition.

(28) "Official certificate" means any certificate prescribed by rules of the department for issuance by an inspector or other person performing official functions under this chapter.

(29) "Official device" means any device prescribed or authorized by the commissioner for use in applying any official mark.

(30) "Official establishment" means any establishment at which inspection of the slaughter of animals or the preparation of meat or poultry products is maintained under the authority of this chapter.

(31) "Official inspection legend" means any symbol prescribed by rules of the department showing that a meat or poultry product was inspected and passed in accordance with this chapter.

(32) "Official mark" means the official legend or any other symbol prescribed by rules of the department to identify the status of any animal carcass or meat or poultry product under this chapter.

(33) "Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity," have the same meanings for purposes of this chapter as ascribed to them in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

(34) "Post mortem inspection" means an inspection of a slaughtered food animal's carcass after slaughter.

(35) "Poultry" means any domesticated bird, whether living or dead.

(36) "Poultry product" means any product capable of use as human food that is made wholly or in part from any poultry carcass, excepting products that contain poultry ingredients in relatively small proportion or that historically have not been considered by consumers as products of the poultry food industry, and that are exempted from definition as a poultry product by the commissioner.

(37) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(38) "Process" means to cut, grind, manufacture, compound, smoke, intermix, or

prepare meat or poultry products.

(39) "Renderer" means any person engaged in the business of rendering animal carcasses, or parts or products of animal carcasses, except rendering conducted under inspection or exemption under this chapter.

(40) "Slaughter" means:

(a) the killing of an animal in a humane manner including skinning or dressing;
or

(b) the process of performing any of the specified acts in preparing an animal for human consumption.

(41) "Wild game" means an animal, the products of which are food that is not classified as a domesticated food animal, captive game animal, or captive game bird, including the following when not domesticated:

- (a) deer;
- (b) elk;
- (c) antelope;
- (d) moose;
- (e) bison;
- (f) bear;
- (g) rabbit;
- (h) squirrel;
- (i) raccoon; and
- (j) birds.

Amended by Chapter 383, 2011 General Session

4-32-4. Meat establishment license -- Slaughtering livestock except in licensed meat establishment prohibited -- Exceptions -- Violation a misdemeanor.

(1) A person may not, except in a licensed meat establishment, slaughter animals for human consumption or assist other persons in the slaughter or processing of animals except as otherwise provided in Subsection (2), (3), or (4).

(2) A person who raises an animal or an employee of that person may slaughter an animal without a farm custom slaughter license if:

- (a) slaughtering or processing animals is not prohibited by local ordinance;
- (b) any hide, viscera, blood, or other tissue is disposed of by removal to a rendering facility, landfill, or by burial, as allowed by law;
- (c) the meat or poultry product derived from the slaughtered animal is consumed exclusively by the person or the person's immediate family, regular employees of the person, or nonpaying guests; and

(d) the meat or poultry product is marked "Not For Sale."

(3) Farm custom slaughter may be performed by a person who holds a valid farm custom slaughter license.

(4) A retail establishment that processes meat or poultry products primarily for sale to individual consumers at the retail establishment is exempt from provisions requiring licensing of a meat establishment if:

- (a) the retail establishment is not engaged in slaughter operations;
- (b) the retail establishment sells the processed meat and poultry products only

to individual consumers at the retail establishment, or to restaurants or institutions for use in meals served at those restaurants or institutions;

(c) the retail establishment's sales of processed meat and poultry products to restaurants or institutions do not exceed the federal adjusted dollar limitation, or 25% by dollar volume of all meat sales from the retail establishment, whichever is less;

(d) the retail establishment receives meat only from a meat establishment licensed under this chapter or inspected by the United States Department of Agriculture under 21 U.S.C. Sections 451 to 695;

(e) the operator of the retail establishment does not sell, to any person other than an individual consumer, any meat or poultry product that is cured, smoked, seasoned, canned, or cooked at the retail establishment;

(f) the retail establishment does not sell any meat or poultry product that is cured, smoked, seasoned, canned, or cooked at the retail establishment at a location other than the retail establishment; and

(g) the operator of the retail establishment does not sell, to any person other than an individual consumer, any meat product made by combining meat from different animal species at the retail establishment.

(5) Any person who violates this section, except as otherwise provided in Subsection (6), is guilty of a class C misdemeanor.

(6) Any person who offers for sale or sells any uninspected meat or poultry product is guilty of a class B misdemeanor.

Amended by Chapter 383, 2011 General Session

**4-32-5. Meat establishment and farm custom slaughter licenses --
Application -- Fees -- Expiration -- Renewal.**

(1) A person may not operate a meat establishment in the state without a meat establishment license issued by the department.

(2) (a) Application for a license to operate a meat establishment shall be made to the department upon a form prescribed and furnished by the department.

(b) Upon receipt of a proper application, compliance with all applicable rules, and the payment of an annual license fee determined by the department according to Subsection 4-2-2(2), the commissioner, if satisfied that the public convenience and necessity will be served, shall issue a license allowing the applicant to operate a meat establishment through December 31 of the year in which the license is issued, subject to suspension or revocation for cause.

(c) A meat establishment license is annually renewable on or before December 31 of each year, upon the payment of an annual license renewal fee in an amount determined by the department according to Subsection 4-2-2(2).

(3) (a) Application for a farm custom slaughter license to engage in the business of slaughtering livestock shall be made to the department on a form prescribed and furnished by the department.

(b) Upon receipt of a proper application, compliance with all applicable rules, and payment of a license fee in an amount determined by the department according to Subsection 4-2-2(2), the commissioner shall issue a license allowing the applicant to engage in farm custom slaughtering.

(c) A farm custom slaughter license is annually renewable on or before December 31 of each year, upon the payment of an annual renewal license fee in an amount determined by the department according to Subsection 4-2-2(2).

Amended by Chapter 242, 2010 General Session

4-32-6. Duties of person who holds a farm custom slaughter license.

Each person who holds a farm custom slaughter license shall:

- (1) keep accurate records of each animal slaughtered including the name, address, and telephone number of each person for whom the animal is slaughtered, a full description of each animal slaughtered including age, brands, marks, or other identifying marks, proof of ownership, destination of the carcass for processing, and the date of slaughter;
- (2) require that each animal presented for slaughter bear a farm custom slaughter tag;
- (3) render the animal to be slaughtered insensible to pain by captive bolt, gunshot, electric shock, or other humane means before it is shackled, hoisted, thrown, cast, or cut; and
- (4) stamp and tag the carcass of any slaughtered animal "Not For Sale."

Amended by Chapter 242, 2010 General Session

4-32-7. Mandatory functions, powers, and duties of department prescribed.

The department shall make rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, concerning the following functions, powers, and duties, in addition to those specified in Chapter 1, Short Title and General Provisions, for the administration and enforcement of this chapter:

- (1) The department shall require antemortem and postmortem inspections, quarantine, segregation, and reinspections by inspectors appointed for those purposes with respect to the slaughter of animals and the preparation of meat and poultry products at official establishments, except as provided in Subsection 4-32-8(13).
- (2) The department shall require that:
 - (a) animals be identified for inspection purposes;
 - (b) meat or poultry products, or their containers be marked or labeled as:
 - (i) "Utah Inspected and Passed" if, upon inspection, the products are found to be unadulterated; and
 - (ii) "Utah Inspected and Condemned" if, upon inspection, the products are found to be adulterated; and
 - (c) condemned animal carcasses or products, which otherwise would be used for human consumption, be destroyed under the supervision of an inspector.
- (3) The department shall prohibit or limit meat products, poultry products, or other materials not prepared under inspection procedures provided in this chapter, from being brought into official establishments.
- (4) The department shall require that labels and containers for meat and poultry products:

(a) bear all information required by Section 4-32-3 if the product leaves the official establishment; and

(b) be approved before sale or transportation.

(5) For official establishments required to be inspected under Subsection (1), the department shall:

(a) prescribe sanitary standards;

(b) require sanitary inspections; and

(c) refuse to provide inspection service if the sanitary conditions allow adulteration of any meat or poultry product.

(6) (a) The department shall require that any person engaged in a business referred to in Subsection (6)(b):

(i) keep accurate records disclosing all pertinent business transactions;

(ii) allow inspection of the business premises at reasonable times and examination of inventory, records, and facilities; and

(iii) allow samples to be taken.

(b) Subsection (6)(a) applies to any person who:

(i) slaughters animals;

(ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any meat or poultry products for human or animal consumption;

(iii) renders animals; or

(iv) buys, sells, or transports any dead, dying, disabled, or diseased animals, or parts of their carcasses that died by a method other than slaughter.

(7) (a) The department shall:

(i) adopt by reference rules and regulations under federal acts with changes that the commissioner considers appropriate to make the rules and regulations applicable to operations and transactions subject to this chapter; and

(ii) promulgate any other rules considered necessary for the efficient execution of the provisions of this chapter, including rules of practice providing an opportunity for hearing in connection with the issuance of orders under Subsection (5) or under Subsection 4-32-8(1), (2), or (3) and prescribing procedures for proceedings in these cases.

(b) These procedures do not preclude requiring that a label or container be withheld from use, or inspection be refused under Subsections (1) and (5), or Subsection 4-32-8(3), pending issuance of a final order in the proceeding.

(8) (a) To prevent the inhumane slaughtering of animals, inspectors shall be appointed to examine and inspect methods of handling and slaughtering animals.

(b) Inspection of slaughtering establishments may be refused or temporarily suspended if animals have been slaughtered or handled by any method not in accordance with the Humane Methods of Slaughter Act of 1978, Public Law 95-445.

(c) Before slaughtering an animal in accordance with requirements of Kosher, Halal, or a religious faith's requirements that discourage stunning of the animal, the person slaughtering the animal shall file a written request with the commissioner.

(9) (a) The department shall require an animal showing symptoms of disease during antemortem inspection, performed by an inspector appointed for that purpose, to be set apart and slaughtered separately from other livestock and poultry.

(b) When slaughtered, the carcasses of livestock and poultry are subject to

careful examination and inspection in accordance with rules prescribed by the commissioner.

Amended by Chapter 242, 2010 General Session

Amended by Chapter 324, 2010 General Session

Amended by Chapter 378, 2010 General Session

4-32-8. Discretionary functions, powers, and duties of commissioner prescribed.

The commissioner may:

- (1) remove inspectors from any official establishment that fails to:
 - (a) destroy condemned products pursuant to Subsection 4-32-7(2); or
 - (b) comply with any other of this chapter's requirements;
- (2) refuse to provide inspection for any official establishment for any cause specified in Section 401 of the Federal Meat Inspection Act or Section 18 of the federal Poultry Products Inspection Act;
- (3) withhold the use of labels and containers if the labeling is false or misleading or the containers are misleading in size or form;
- (4) prescribe the type size and style to be used for labeling:
 - (a) information;
 - (b) definitions; and
 - (c) standards of identity, composition, or container fill;
- (5) prescribe conditions for the storage and handling of meat and poultry products by any person who sells, freezes, stores, or transports these products to prevent them from becoming adulterated or misbranded;
- (6) require that equines be slaughtered and prepared in official establishments separate from those where other animals are slaughtered or their products are prepared;
- (7) require that the following people register the name and address of each place of business and all trade names:
 - (a) broker;
 - (b) renderer;
 - (c) animal food manufacturer;
 - (d) wholesaler;
 - (e) public warehouseman of meat or poultry products; or
 - (f) anyone engaged in the business of buying, selling, or transporting any:
 - (i) dead, dying, disabled, or diseased animals; or
 - (ii) parts of animal carcasses that died other than by slaughter;
- (8) make inspections of official establishments at night, as well as during the day, if animals or meat and poultry products are slaughtered and prepared for commercial purposes in those establishments at night;
- (9) divide the state into inspection districts and designate killing days and partial killing days for each official establishment;
- (10) cooperate with the Secretary of Agriculture of the United States in the administration of this chapter and accept federal assistance and use funds appropriated for the administration of this chapter to pay the state's proportionate share of the

cooperative program;

(11) recommend the names of officials and employees of the department to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts;

(12) serve as the representative of the governor for consultation with the Secretary of Agriculture under paragraph (c) of Section 301 of the Federal Meat Inspection Act and Section 5(c) of the federal Poultry Products Inspection Act, unless the governor selects another representative; and

(13) exempt from inspection:

(a) the slaughter and processing of an animal by any person who raises an animal for the person's own use, members of the person's household, employees, or nonpaying guests;

(b) custom exempt slaughter and processing operations;

(c) farm custom slaughter performed by a licensee; and

(d) any other operation, if the exemption:

(i) furthers the purposes of this chapter; and

(ii) conforms to federal acts.

Amended by Chapter 242, 2010 General Session

4-32-9. Additional powers of commissioner.

(1) The commissioner may:

(a) gather and compile information concerning and, to investigate the organization, business, conduct, practices, and management of any person subject to this chapter;

(b) require any person subject to this chapter to file information regarding the person's business or operation as the commissioner requires;

(c) for the purpose of this chapter, at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence, of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation;

(d) require the attendance of witnesses and the production of documentary evidence at any place designated for hearing; in case of disobedience to a subpoena, the commissioner may invoke the aid of any court of competent jurisdiction to compel the attendance of witnesses and the production of documentary evidence; and

(e) order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of the proceeding or investigation; the depositions may be taken before any person with power to administer oaths designated by the commissioner, and the testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent.

(2) In the event a witness asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

(3) (a) Any person who without just cause neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his

power to do so, in obedience to the subpoena or lawful requirement of the commissioner is guilty of a class A misdemeanor. Any fine imposed may not be less than \$500.

(b) Any person that willfully makes, or causes to be made, any false entry or statement of fact in any report required to be made under this chapter, or that willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter, or that neglects or fails to make, or to cause to be made, full, true, and correct entries in those accounts, records, or memoranda, of all facts and transactions appertaining to the business of that person or that willfully removes out of the jurisdiction of this state, or willfully mutilates, alters, or by any other means falsifies any documentary evidence of any person subject to this chapter or that willfully refuses to submit to the commissioner or to any of the commissioner's authorized agents, for the purpose of inspection and making copies, any documentary evidence of any person subject to this chapter within the person's possession or control is guilty of a class A misdemeanor. Any fine imposed may not be less than \$500.

(c) If any person required by this chapter to file any annual or special report fails to do so within the time fixed by the commissioner, and the failure continues for 30 days after notice of default, the person shall forfeit to the state the sum of \$10 for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district where the person has a principal office or in any district in which he does business. The various county attorneys, under the direction of the attorney general of this state, shall prosecute for the recovery of the forfeitures. The costs and expenses of prosecution shall be paid out of the appropriation for the expenses of the courts of this state.

Amended by Chapter 296, 1997 General Session

4-32-10. Judicial review of orders enforcing chapter.

(1) Any party aggrieved by an order issued under Subsection 4-32-7(3) or under Subsection 4-32-8(1), (2), or (3) may obtain judicial review.

(2) The district courts have jurisdiction to enforce this chapter, and to prevent and restrain violations of this chapter, and have jurisdiction in all other kinds of cases arising under this chapter.

(3) All proceedings for the enforcement of this chapter, or to restrain violations of this chapter, shall be by and in the name of this state.

Amended by Chapter 161, 1987 General Session

4-32-11. Preparation and slaughter of livestock, poultry, or livestock and poultry products -- Adulterated or misbranded products -- Violation of rule or order.

(1) An animal or meat or poultry product that may be used for human consumption shall not be:

(a) slaughtered or prepared unless it is done in compliance with this chapter's requirements;

(b) sold, transported, offered for sale or transportation, or received for transportation, if it is adulterated or misbranded, unless it has been inspected and approved; or

(c) subjected to any act while being transported or held for sale after transportation resulting in one of the products becoming adulterated or being misbranded.

(2) A person may not violate any rule or order of the commissioner under Subsection 4-32-7(3) or (6), or Subsection 4-32-8(3), (5), or (7).

Amended by Chapter 189, 2014 General Session

4-32-12. Unauthorized use or possession of official devices, labels, marks, or certificates -- False statements, misrepresentations, and trade secrets.

(1) A person may not cast, print, lithograph, or make any device or label containing or bearing any official mark or simulation of a mark, or any form or simulation of an official certificate unless authorized by the commissioner.

(2) A person may not:

(a) forge any official device, mark, or certificate;

(b) use any official device, mark, or certificate without the authorization of the commissioner;

(c) alter, detach, deface, or destroy any official device, mark, or certificate;

(d) fail to use, detach, deface, or destroy any official device, mark, or certificate as required by this chapter;

(e) knowingly possess any of the following, if it bears any unauthorized, counterfeit, simulated, forged, or altered official mark:

(i) an official device;

(ii) a counterfeit, simulated, forged, or altered official certificate;

(iii) a device;

(iv) a label;

(v) a carcass of any animal, including poultry; or

(vi) a part or product of any animal, including poultry;

(f) knowingly make any false statement in any shipper's certificate, or nonofficial or official certificate;

(g) knowingly represent that any meat or poultry product has been inspected and approved, or exempted, under this chapter when, in fact, it has not; or

(h) use to the person's advantage or reveal any information acquired under the authority of this chapter relating to any matter entitled to protection as a trade secret unless the information is:

(i) revealed to an authorized government representative; or

(ii) ordered by a court in a judicial proceeding.

Amended by Chapter 242, 2010 General Session

4-32-13. Meat or poultry products to be marked or labeled -- Meat or poultry products not intended for human food -- Dead, dying, disabled, or diseased animals.

(1) A person may not sell, transport, offer for sale or transportation, or receive for transportation, any animal carcasses or parts of such carcasses, or the meat or meat products, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by rules adopted by the department to show the kinds of animals from which they were derived.

(2) A person may not buy, sell, transport, or offer for sale or transportation, or receive for transportation any meat or poultry products that are not intended for human food unless they are denatured or otherwise identified as required by the rules of the department or are naturally inedible by humans.

(3) A person engaged in the business of buying, selling, or transporting dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, may not buy, sell, transport, offer for sale or transportation, or receive for transportation the animals or parts of carcasses unless the transaction or transportation is made in accordance with rules adopted by the department to assure that the animals or parts of carcasses will be prevented from being used for human food.

Amended by Chapter 242, 2010 General Session

4-32-14. Attempt to bribe state officer or employee -- Acceptance of bribe -- Interference with official duties -- Penalties.

(1) (a) Any person who gives, pays, or offers, directly or indirectly, any money or other thing of value, to any officer or employee of this state who is authorized to perform any duties under this chapter, with the intent to influence the officer or employee in the discharge of his duty, is guilty of a felony of the third degree, and upon conviction, shall be punished by a fine of not more than \$5,000 or imprisonment of not more than five years, or both.

(b) An officer or employee of this state authorized to perform duties under this chapter who accepts money, a gift, or other thing of value from any person given with intent to influence his official action, is guilty of a felony of the third degree and shall, upon conviction, be discharged from office, fined in an amount of not more than \$5,000, or imprisoned for not more than five years, or both.

(2) (a) Any person who assaults, obstructs, impedes, intimidates, or interferes with any person engaged in the performance of official duties under this chapter, with or without a dangerous or deadly weapon, is guilty of a felony of the third degree and upon conviction shall be punished by a fine of not more than \$5,000, or by imprisonment of not more than five years, or both.

(b) Any person who, in the commission of any violation of Subsection (2) of this section, uses a dangerous weapon as defined in Section 76-1-601, is guilty of a felony of the second degree and upon conviction shall be punished by a fine of not more than \$10,000, or by imprisonment for a period of not more than 10 years, or both.

(c) Any person who kills another person engaged in the performance of official duties under this chapter shall be punished as provided in Section 76-5-202.

Amended by Chapter 289, 1997 General Session

4-32-15. Inspection of products placed in containers -- Supervision of inspector -- Access to establishment.

(1) No inspection of products placed in any container at any official establishment shall be deemed to be complete until the products are sealed or enclosed under the supervision of an inspector.

(2) For purposes of any inspection of products required by this chapter, inspectors authorized by the department shall have access at all times to every part of every establishment required to have inspection whether the establishment is operated or not.

Enacted by Chapter 2, 1979 General Session

4-32-16. Detention of animals or meat or poultry products -- Removal of official marks.

(1) Whenever any meat or poultry product or any product exempted from the definition of a meat or poultry product, or any dead, dying, disabled, or diseased animal, is found by any authorized representative of the commissioner, and there is reason to believe that it is adulterated or misbranded and is capable of use as human food, or that it has not been inspected and passed, or that it has been or is intended to be distributed in violation of this chapter, it may be detained by the representative pending action under Section 4-32-17, and may not be moved by any person from the place at which it is located when so detained, until released by such representative.

(2) All official marks may be required by the representative described in Subsection (1) to be removed from a product or animal described in Subsection (1) before the product is released.

Amended by Chapter 242, 2010 General Session

Amended by Chapter 378, 2010 General Session

4-32-17. Quarantine authorized -- Conditions giving rise to quarantine.

(1) Any meat or poultry product, or any dead, dying, disabled, or diseased animal that is being transported or is held for sale in this state, and that:

(a) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter;

(b) is capable of use as human food and is adulterated or misbranded; or

(c) in any other way violates this chapter, shall be seized and quarantined.

(2) Quarantined animals or products shall be condemned and destroyed, except that the owner of the quarantined animals or products may request a hearing within five days, and the commissioner shall, within five days after the request, conduct a hearing to decide whether the quarantined animals or products shall be condemned.

(3) The commissioner's decision under Subsection (2) is final, and all condemned animals or products shall forthwith be destroyed or denatured in the presence of the commissioner or an inspector.

(4) This section does not limit the authority for condemnation or seizure conferred by other provisions of this chapter, or other laws.

Amended by Chapter 242, 2010 General Session

4-32-18. Rules for the construction and operation of meat establishments authorized.

(1) For the purposes of administering this chapter and qualifying meat establishments for licenses, the department may adopt sanitary inspection rules and regulations, and all other necessary rules, including those pertaining to the construction, equipment, and facilities of meat establishments.

(2) The rules shall conform with the regulations promulgated under the federal acts.

Amended by Chapter 242, 2010 General Session

4-32-20. Suspension or revocation -- Grounds.

The department may upon its own motion, and shall upon the verified complaint in writing of any person, investigate or cause to be investigated the operation of any meat establishment, and may suspend or revoke the license of the meat establishment upon any of the following grounds:

(1) the license was obtained by any false or misleading statement;

(2) for slaughtering any animal without an antemortem and a postmortem inspection, or for processing any meat or poultry or products of either that have not been inspected and passed, (or exempted) and so identified;

(3) the advertising or publicizing of any false or misleading statements that pertain to the slaughtering, processing, or distribution of animals or meat or poultry products;

(4) the failure to maintain refrigeration, sanitation, or dispose of waste as required by rules of the department; or

(5) the failure to comply with rules of the department pertaining to the disposal of carcasses or parts of carcasses that have been determined to be unfit for human consumption.

Amended by Chapter 242, 2010 General Session

4-32-21. Denial of application for farm custom slaughter license -- Venue for judicial review.

(1) Any applicant whose application for a license to operate a meat establishment or to obtain a farm custom slaughter license is denied may file a request for agency action with the department, requesting a hearing on the issue of denial.

(2) (a) Any person who is aggrieved by an order issued under this section may obtain judicial review.

(b) Venue for judicial review of informal adjudicative proceeding is in the district court in the county in which the alleged unlawful activity occurred or, in the case of an order denying a license application, in the county where the applicant resides.

(3) The attorney general's office shall represent the department in any original action or any appeal under this section.

Amended by Chapter 242, 2010 General Session

4-32-22. Animals slaughtered or the meat and poultry products not intended for human use -- No inspection -- Products to be denatured or otherwise identified.

Inspection may not be provided under this chapter at any establishment for the slaughter of animals or the preparation of any meat or poultry products that are not intended for use as human food, but the products shall be denatured or otherwise identified as prescribed by rules of the department before their offer for sale or transportation.

Amended by Chapter 242, 2010 General Session

Amended by Chapter 378, 2010 General Session